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6
7 **UNITED STATES DISTRICT COURT**
8 **SOUTHERN DISTRICT OF CALIFORNIA**
9 **(HONORABLE THOMAS J. WHELAN)**

10 UNITED STATES OF AMERICA,) **Criminal No. 07-CR-3405-W**

11 Plaintiff,

) Date: August 19, 2008

) Time: 9:00 a.m.

12 v.

13 **ERNESTO FLORES-BLANCO,**

) **NOTICE OF MOTION AND**
) **MOTIONS IN LIMINE TO:**

14 Defendant.

) **1) Exclude hearsay statements of the material**
) **witness**

) **2) Exclude irrelevant hearsay evidence of**
) **telephone records**

) **3) Preclude evidence under 404(b) and 609;**

) **4) Preclude "expert" testimony regarding alien**
) **smuggling organizations**

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18 **TO: KAREN HEWITT, ACTING UNITED STATES ATTORNEY, and**
19 **DAVID D. LESHNER, ASSISTANT UNITED STATES ATTORNEY**

20 PLEASE TAKE NOTICE that on Tuesday, August 19, 2008 at 9:00 a.m., or as soon
21 as counsel may be heard, the defendant, Ernesto Flores-Blanco, by and through his counsel,
22 Sylvia Baiz, will bring the above-entitled motions-in-limine.
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MOTION

The defendant, Ernesto Flores-Blanco, by and through his counsel, Sylvia Baiz, and pursuant to the Federal Rules of Evidence and all other applicable statutes will move this court:

1. Preclude the government from presenting hearsay statements of the material witness;

2 . preclude the government from introducing irrelevant hearsay evidence of telephone records of third parties or of the cell phone found on Mr. Flores;

3. preclude the government from introducing evidence of “bad acts;”

4. preclude “expert” testimony on “alien smuggling organizations.”

This in limine motion is based upon the instant motion, the notice of motion, the attached statement of facts and memorandum of points and authorities, the files and records in the above-entitled cause, and any and all other information that may be brought to the Court's attention prior to or during the hearing on this motion.

Respectfully submitted,

Dated: August 13, 2008

/s/ Sylvia Baiz
SYLVIA BAIZ
Attorney for Defendant **Flores-Blanco**